Docket No.: 0020-5458PUS1

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Ken-ichi WATANABE et al.

Application No.: 10/563,361

Confirmation No.: 8791

Filed: January 4, 2006

Art Unit: 1625

For: NOVEL HETEROARYL DERIVATIVE

Examiner: N. Rahmani

INFORMATION DISCLOSURE STATEMENT (SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. <u>LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION</u>

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. <u>COPIES</u>

a. Copies of cited U.S. patents and patent application publications are not included.

Copies of foreign patent documents and non-patent literature are included.

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b. Some or all of the documents listed on	the PTO-SB08 are not enclosed because
they were cited in the International Search Report and	copies should already be in the PTO file.
If copies are needed, please contact the undersigned.	
c. <u>REFERENCES PREVIOUSLY CITED OR</u>	SUBMITTED - Pursuant to 37 C.F.R.
§1.98(d), consideration of information listed on the F	TO-SB08 form(s) is requested since any
patents, publications, or other information which are	listed on the PTO-SB08 form(s) but for
which copies are not enclosed herewith, were previous	ly cited by or submitted to the PTO in one
of the following applications which has been relied	upon for an earlier filing date under 35
U.S.C. § 120:	
III. CONCISE EXPLANATION OF THE RELEVA	ANCE .
(check at least one box)	
a. <u>DOCUMENTS IN THE ENGLISH LANG</u>	<u>UAGE</u> – Some or all of the patents,
publications, or other information listed on the attached PTO SB08 are in the English language	
and therefore, do not require a statement of relevancy.	
b. <u>documents not in the english la</u>	NGUAGE - A concise explanation of the
relevance of all patents, publications, or other infor	mation listed that is not in the English
language is as follows: English language abstracts are provided for JP-2003-171275 (A).	
c. <u>ENGLISH LANGUAGE SEARCH REPORT</u> - A	An English language version of the search
report or action that indicates the degree of relevance	found by the foreign office is attached,
thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).	
\boxtimes d. OTHER - The following additional info	ormation is provided for the Examiner's
consideration. Chinese Office Action dated November 2, 2007 for application CN No.	
2004800262352, counterpart to the present application.	

IV. <u>FEES</u> (check one box) This Information Disclosure Statement is being filed concurrently with the filing a. of a new patent application; therefore, no fee is required. b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required. c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's.) d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. $\S 1.97(b)(2)$). No fee or statement is required. This Information Disclosure Statement is being filed concurrently with the filing e. of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required. f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p). \boxtimes This Information Disclosure Statement is being filed before the mailing date of a g. Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)). No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached. or

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See the statement below. No fee is required.

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V. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

- a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or
- b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- C. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- Datent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

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Application No.: 10/563,361 Docket No.: 0020-5458PUS1 VI. PAYMENT OF FEES (check one box) The required fee is listed on the attached Fee Transmittal. \boxtimes No fee is required. If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees. JAN 1 0 2008 Dated: Respectfully submitted, Mark J. Naell Registration No.: 36,623 BIRCH, STEWART, KOLASCH & BIRCH, LLP 12770 High Bluff Drive Suite 260 San Diego, California 92130 (858) 792-8855 Attorney for Applicant Attachment(s): PTO/SB/08

Other: Chinese Office Action dated November 2, 2007 for Appln. No. 2004800262352

Document(s)

Fee

Foreign Search Report(s)